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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/688,046	10/12/2000	Minoru Yamamoto	1095.1138/JDH	5524

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EXAMINER

SINGH, NOEL K

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 07/03/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/688,046

Applicant(s)

YAMAMOTO ET AL.

Examiner

Noel K Singh

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/12/2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Specification***

2. The disclosure is objected to because of the following informalities:

It appears on page 11, lines 26 and 27, that the terms "server 1" should have read --- server 10.

It appears on page 20, line 7, that the term "multiply" should have read --- multiple.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the fourth paragraph of 35 U.S.C. 112:

Subject to the following paragraph a claim in dependent form shall contain a reference to a claim previously set forth and then specify a further limitation of the subject matter claimed. A claim in dependent form shall be construed to incorporate by reference all the limitations of the claims to which it refers.

4. Claims 2 and 5 are rejected under 35 U.S.C. 112, fourth paragraph, as failing to specify a further limitation of the subject matter claimed.

Referring to claims 2 and 5. Claims 1 and 4 state, "a determination unit which determines whether or not another request which is identical to the request

received from the client, has already been processed." Claims 2 and 5 are identical to claims 1 and 4, with the addition of, "when another request is received from said client". This addition does not further limit claims 1 and 4 as another request must have been received to be processed and compared.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1,2,3,4,5 and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Karger et al, US Patent No. 6,430,618.

7. Karger et al discloses a server (cache server), as claimed in claims 1,2,4 and 5, comprising:

- a result storing unit which stores at least one processing result of at least one request (col. 2, lines 8-9);
- a receiving unit which receives a request for processing from a client (col. 2, lines 12-14);

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- a determination unit which determines whether or not another request which is identical to the request received from the client, has already been processed (see lines 15-19);
- an execution unit which executes processing of the request received from the client, and stores the result of the processing in said result storing unit when said determination unit determines that no other request which is identical to the request received from the client has been processed (col. 2, lines 15-24); and
- a transmission unit which transmits to said client said result of the processing executed by said execution unit when said determination unit determines that no other request which is identical to the request received from the client has been processed, and transmits to said client one of said at least one processing result corresponding to the request received from the client when said determination unit determines that another request which is identical to the request received from the client, has already been processed (col. 2, lines 19-22), as claimed.

8. Referring to claims 3 and 6, Karger et al, discloses:

- a request storing unit which stores at least one request received from at least one client (col. 10, lines 66-67),
- a request reading unit which reads out one of said at least one request stored in said request storing unit (col. 10, line 67 to col. 11, line 1),

- a prohibition unit which prohibits the operation of said request reading unit after one of said at least one request stored in said request storing unit is read out until a processing result corresponding to said one of said at least one request is transmitted to a client (col. 17, lines 7-10).

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Wang U.S. Patent 6,112,279 discloses the APACHE software processing of a user request by checking the cache and if result is not available then fetching result from web site and send to user then updating the cache with result (column 6, lines 22-35).
- b. Bowman-Amuah U.S. Patent 6,289,382 discloses the ability to enqueue and dequeue requests to and from a reliable queue and the order of the requests in the queue, such as FIFO or LIFO (column 93, lines 48-55). In addition it discloses Caching of web pages (column 106, lines 44-57).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Noel K Singh whose telephone number is (703)305-4651. The examiner can normally be reached on 8 A.M. to 5 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton B Burgess can be reached on (703)305-4792. The fax phone


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numbers for the organization where this application or proceeding is assigned are (703)305-7201 for regular communications and (703)305-7201 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.



NS  
June 27, 2003



GLENTON B. BURGESS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100